

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, July 15, 2008 at Westfield Town Hall. Members present included Randy Graham, Martin Raines, William Sanders, and Craig Wood. Also present were Kevin Todd, Planner II; Jeremy Miller, Planner I; and City Attorney, Brian Zaiger.

APPROVAL OF MINUTES

Sanders reviewed the Public Hearing Rules and Procedures.

Wood moved to approve the June 3, 2008 minutes as presented.

Graham seconded, and the motion passed by voice vote.

NEW BUSINESS

0807-VU-03 18702 U.S. 31 North; Paddack's Transportation

The Appellant is requesting a Variance of Use from the following Westfield-Washington Zoning Ordinance sections:

1. **WC 16.04.050, F2** (To allow "Transportation Services – including but not limited to wrecking service" in GB District); and,
2. **WC 16.04.070, 2** (To allow "Transportation Services – including but not limited to wrecking service" in US 31 Overlay District).

0807-VS-12 18702 U.S. 31 North; Paddack's Transportation

The Appellant is requesting a Variance of Standard from the following Westfield-Washington Zoning Ordinance sections:

1. **WC 16.04.050, F5** (To reduce minimum lot frontage on road in GB District from 80' to 0');
2. **WC 16.04.070, 5h** (To reduce minimum aggregate gross floor area in US 31 Overlay from 15,000 SF to 4,100 SF);
3. **WC 16.04.070, 6** (To vary the following US 31 Overlay loading berth requirements):
 - a. To allow loading berths that are visible from US 31; and,
 - b. To allow all other loading berths to not be screened by landscaping or other screening.
4. **WC 16.04.070, 8** (To vary the following US 31 Overlay building materials requirements for all facades):
 - a. To reduce number of building materials from 3 to 1;
 - b. To not require brick or stone as a building material;
 - c. To reduce the number of external corners from 8 to 4; and,
 - d. To not require sloped roofs of 100 feet or more to have a change in roof plane.

5. **WC 16.04.165, D3e1** (To permit loading spaces in GB District to face public street);
6. **WC 16.04.165, D3f** (To vary the following GB District building materials requirements for all facades):
 - a. To not require all brick;
 - b. To reduce the minimum percentage of brick or EIFS in GB District from 60% to 0%;
 - c. To not require multiple colors, multiple textures, or architectural elements.
7. **WC 16.06.060, C** (To reduce west buffer yard evergreen shrub plantings from 25 to 0).

Todd reviewed the staff reports and introduced the variances of use and the variances of standard. He stated that the items could be reviewed separately and motions could be separated, but it is staff's recommendation to keep the groupings as they are. He further stated that if the Variance of Use requests are not approved, there is no need to review the variances of standard. He clarified that the applicant is here for two reasons; first to establish the existing lot, use and structure and secondly to seek relief from development standards. Finally, he stated this was never a permitted use in the GB district and was never legally established through a variance process.

Mr. Brian Cross, Civil Site Group, representing the petitioner, discussed the details of the variances of use and the variances of standard. He stated that the future use involves a garage to be built to put existing vehicles and transportation equipment indoors. He explained that regardless of the use, the only access to the property is through an access easement that goes to US 31; with that said the actual access being zero frontage really is a hardship. He presented several letters in support of the variances.

The Public Hearing opened at 7:35 p.m.

Mr. Rick Wyatt expressed concerns about storm water drainage in regard to Phase II, closeness of the new buildings to his driveway, and no encroachment on the 30' driveway easement.

Todd stated he has received via email a letter from Mr. Brian Morales, which he passed out to BZA members. Morales' letter expressed concerns and opposition to some of the variances of standard.

Todd also listed letters of support which the petitioner supplied, from Hamilton County Sheriff's Office, Westfield Fire Department, Westfield Police Department, City of Carmel Police Department, City of Carmel Mayor's Office, City of Noblesville Fire Department, Heavy Duty Trucking Inc., DuLello and Sons Asphalt Paving, and Carmel Auto Contours.

The Public Hearing closed at 7:42 p.m.

Wood asked about the drainage impact on the adjacent properties.

Cross responded that at the TAC meeting on April 22, drainage was identified as one of the items needing to be addresses; this area still falls within a regulated drain easement which is controlled by the Hamilton County Surveyor's Office and they have been working with that office to try to rectify the drainage issues.

Wood asked what the tentative timeline is on the proposed expansion

Cross responded something should be in place before winter of 2008.

Wood asked about dust and any possibility of treatment on the stone driveway.

Mr. Jeff Ripley, Owner, stated that a product called Coherax is applied annually – sometimes twice a year. The new addition would be surfaced with asphalt, so dust will not be a problem.

Sanders expressed concern about environmental issues and the lack of a containment plan.

Cross responded to concerns expressed by the Board.

Ripley replies to Sanders concerns about environmental issues by stating that typically the vehicles that are towed in have lost there fluids at the accident scene and it is dealt with by the officials at the scene. A product called Spagsorb is applied at some accident scenes and it is picked up and bagged and placed with the vehicle so that any contaminants that came from the vehicle stay with that vehicle.

Todd explained that the variances of use and some of the variances of standard will bring the property into compliance.

Discussion followed on how to vote on the variances, separately or grouped.

Wood moved to approve 0807-VU-03 with the following conditions:

1. That all temporarily stored vehicles and equipment be contained in a fully enclosed yard;
2. That the portions of the temporary storage yard that are visible from an adjoining parcel shall be enclosed by either an opaque wall, fence, or combination thereof;
3. That the portions of the wall or fence that are visible from an adjoining parcel be screened by landscaping, using the following standards:
 - a. 1 shade tree per 50 linear feet of wall or fence;
 - b. 5 deciduous or evergreen shrubs every 30 linear feet of wall or fence (shrubs may be grouped together);
4. That the business not expand beyond its current plan of operation; and that the current plan of operation is to be submitted to the planning department within 30 days of the July 15, 2008 BZA hearing ; and,
5. That this Variance of Use is granted for a five-year term.

Raines seconded, and the motion passed 3-1 (Sanders).

Raines moved to adopt the staff's Finding of Fact.

Graham seconded, and the motion passed 3-1 (Sanders).

Raines moved to approve 0807-VS-12 with the following conditions:

1. That for any future building expansion, only trees within a ten (10) foot radius of the perimeter of the new structure or drive may be removed, so as to provide an effective screen to neighboring properties and uses;

2. That a tree preservation plan be submitted with the Phase I development plan;
3. That the exterior of the new structures (including overhead doors) be finished using colors that are muted in hue; and,
4. That any variances to building materials or building orientation requirements be only applicable to the existing and proposed structures that are shown on the submitted plans.

Graham seconded, and the motion failed.

Raines moved to approve 0807-VS-12, Parts 1, 2, 4, and 6 with the following conditions:

1. That for any future building expansion, only trees within a ten (10) foot radius of the perimeter of the new structure or drive may be removed, so as to provide an effective screen to neighboring properties and uses;
2. That a tree preservation plan be submitted with the Phase I development plan;
3. That the exterior of the new structures (including overhead doors) be finished using colors that are muted in hue; and,
4. That any variances to building materials or building orientation requirements be only applicable to the existing and proposed structures that are shown on the submitted plans.

Wood seconded, and the motion passed 3-1 (Sanders).

Raines moved to adopt staff's Finding of Fact.

Graham seconded, and the motion passed 3-0.

Raines moved to approve 0807-VS-12, Parts 3, 5, and 7 with the following conditions:

1. That for any future building expansion, only trees within a ten (10) foot radius of the perimeter of the new structure or drive may be removed, so as to provide an effective screen to neighboring properties and uses;
2. That a tree preservation plan be submitted with the Phase I development plan;
3. That the exterior of the new structures (including overhead doors) be finished using colors that are muted in hue; and,
4. That any variances to building materials or building orientation requirements be only applicable to the existing and proposed structures that are shown on the submitted plans.

Graham seconded, and the motion passed 3-1 (Sanders).

Raines moved to adopt staff Findings of Fact.

Graham seconded, and the motion passed 3-0.

The meeting adjourned at 8:42 p.m.

Chairman

Secretary